

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KIM CURTIS and SCOTT CURTIS,  
Plaintiffs.

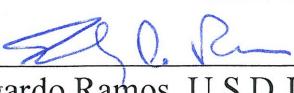
-against-

HILTON WORLDWIDE HOLDINGS, INC., HILTON  
GARDEN INN NEW YORK/CENTRAL PARK,  
HILTON GARDEN INNS MANAGEMENT, LLC,  
MOINIAN LLC, THE MOINIAN DEVELOPMENT  
GROUP, LLC, 237 WEST 54<sup>TH</sup> ST. LLC, FIVE LAKES  
MANUFACTURING, INC., MARSHFIELD DOOR  
SYSTEMS, INC. and PAV-LAK CONTRACTING INC.  
KOTA DRYWALL CORP.,

Defendants.

Civil Case No.:  
1:18-cv-03068 (ER)

The application is  granted  
 denied

  
Edgardo Ramos, U.S.D.J  
Dated: 5/9/2019  
New York, New York

**STIPULATION OF DISMISSAL**

WHEREAS, on April 6, 2018, Plaintiffs Kim Curtis and Scott Curtis filed a Complaint in this Action asserting claims against Defendant Masonite Corporation d/b/a Marshfield Doorsystems, improperly named in the Complaint as "Marshfield Door Systems, Inc." ("Defendant Marshfield");

WHEREAS, on May 17, 2018, Defendant Pav-Lak Contracting, Inc., filed cross-claims in this Action against Defendant Marshfield;

WHEREAS, on May 15, 2018, Defendant Five Lakes Manufacturing, Inc., filed cross-claims in this Action against Defendant Marshfield;

WHEREAS, on June 15, 2018, Defendants Hilton Worldwide Holdings Inc. i/s/h/a Hilton Garden Inn New York/Central Park, Hilton Garden Inns Management LLC, Moinian LLC, The

Moinian Development Group LLC, and 237 West 54<sup>th</sup> St. LLC (collectively, “the Hilton Defendants”) also collectively filed cross-claims in this Action against Defendant Marshfield;

WHEREAS, on August 16, 2018, Defendant Marshfield filed its Answer, Counterclaims and Cross-Claims, as well as its Answer to the Cross-Claims of each of Defendants Pav-Lak Contracting, Inc. and the Hilton Defendants;

WHEREAS, Defendant Marshfield has advised Plaintiffs that its Marshfield, Wisconsin facility only manufactures Masonite Architectural door core and door slabs and does not manufacture, attach or install door hardware and does not install its doors into openings, and for that reason does not provide installation instructions for the installation of Masonite Architectural doors;

WHEREAS, Plaintiffs have agreed to provide to Defendant Marshfield with the necessary identifying information regarding the bathroom door described in the Complaint, including any and all purchase orders and/or invoices, sufficient so that Defendant Marshfield may definitively identify the Masonite Architectural door core or door slab referenced in the Complaint as being a Marshfield (Masonite Architectural) product, including the exact make and model of said door (“the Identifying Information”), if any; and

WHEREAS, within 10 business days of receipt by Defendant Marshfield of the Identifying Information for the door core or door slab, Defendant Marshfield will provide to Plaintiff all care and handling of such Masonite Architectural door (the “Care and Handling Instructions”) and any information they have pertaining to the door core or door slab identified by Plaintiffs , if any exist.

Now, upon agreement by the undersigned counsel for the parties,

IT IS HEREBY STIPULATED AND AGREED, that the Complaint and all claims against Defendant Marshfield are dismissed, without prejudice, without costs or attorneys’ fees being

awarded to either party.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that all Cross-Claims against Defendant Marshfield as asserted by Hilton Worldwide Holdings Inc. i/s/h/a Hilton Garden Inn New York/Central Park, Hilton Garden Inns Management LLC, Moinian LLC, The Moinian Development Group LLC, and 237 West 54<sup>th</sup> St. LLC, Pav-Lak Contracting, Inc. and Five Lakes Manufacturing, Inc. are dismissed, without prejudice, without costs or attorneys' fees being awarded to either party, and

IT IS HEREBY FURTHER STIPULATED AND AGREED, that all Cross-Claims against Hilton Worldwide Holdings Inc. i/s/h/a Hilton Garden Inn New York/Central Park, Hilton Garden Inns Management LLC, Moinian LLC, The Moinian Development Group LLC, and 237 West 54<sup>th</sup> St. LLC, Pav-Lak Contracting, Inc. and Five Lakes Manufacturing, Inc. asserted by Defendant Marshfield are dismissed, without prejudice, without costs or attorneys' fees being awarded to either party, and that an order consistent with this Stipulation be entered without further notice.

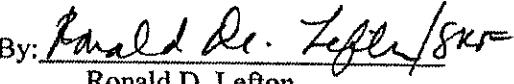
Respectfully submitted,

Dated: August 22, 2018

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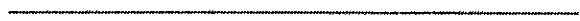
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SO ORDERED:

 2018

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West 54<sup>th</sup> St. LLC.*

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SO ORDERED:

\_\_\_\_\_, 2018